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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,695	01/05/2004	Mitsuo WATANABE	031336	1694
23850	7590	11/17/2004	EXAMINER	
ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP 1725 K STREET, NW SUITE 1000 WASHINGTON, DC 20006			LE, UYEN CHAU N	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/707,695	Applicant(s) WATANABE ET AL.	
	Examiner Uyen-Chau N. Le	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5 and 8 is/are rejected.
- 7) ☒ Claim(s) 2 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Prelim. Amdt/Amendment

1. Receipt is acknowledged of the Amendment filed 24 August 2004.

Claim Objections

2. Claim 1 is objected to because of the following informalities:

Re claim 1: a period is missing at the end of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

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reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Koyanagi et al (US 6,547,143).

Re claims 1 and 5: Koyanagi et al discloses a bar-code reader 20 comprising a judging unit (e.g., controller 25) that judges number of modules corresponding to a character from character data read from a bar-code 10, and a demodulating unit (e.g., controller 25) that, if the number of modules judged is different from a predetermined number, demodulates the character by using a demodulation-pattern table [100, 200] corresponding to the number of modules judged (col. 11, lines 14+; col. 12, lines 27+); the demodulating unit displays predetermined candidates characters on a displaying unit 34 for selection of a character by a user (figs. 3 & 7; col. 13, line 31 through col. 14, lines 54).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

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the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1, 4-5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al (US 5,393,968) in view of Koyanagi et al. The teachings of Koyanagi et al have been discussed above.

Re claims 1, 4-5 and 8: Watanabe et al discloses a bar-code reader 2A comprising: a judging unit 14 that judges number of modules corresponding to a character from character data read from a bar-code 1, and a demodulating unit 12 that, if the number of modules judged is different from a predetermined number, extracts and demodulates the character by using a demodulation pattern table corresponding to the number of modules judged (fig. 1; col. 9, lines 10+ and col. 10, lines 20+).

Watanabe et al is silent with respect to a display unit for displaying predetermined candidates characters for selection of a character by a user.

Koyanagi et al teaches demodulating unit displays predetermined candidates characters on a displaying unit 34 for selection of a character by a user (figs. 3 & 7; col. 13, line 31 through col. 14, lines 54).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Koyanagi et al into the system as taught by Watanabe et al in order to provide Watanabe et al with a more accurate system, in which the user/operator can verify the obtained data/characters via the display and therefore, can correct wrong/questionable characters.

Allowable Subject Matter

8. Claims 2 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of records to Koyanagi et al, Kawai et al, Watanabe et al and all other cited references, taken alone or in combination, fails to teach or fairly suggest the specific structure or the method a barcode reader comprising, among other things, a consecutive judging unit that judges whether the number of modules judged is judged to be different from the predetermined number consecutively for a plurality of times, wherein the demodulating unit, if the consecutive judging unit judges that the number of modules judged is judged to be different from the predetermined number consecutively for a plurality of times, does not demodulate the character as set forth in the claimed combinations.

Response to Arguments

10. Applicant's arguments with respect to claims 1, 3, 5 and 7 have been considered but they are not persuasive.

11. In response the Applicant's argument to "Koyanagi et al. fails to disclose using either a demodulation-pattern table, as recited in claim 3, or predetermined candidates characters, as recited in claim 7. Accordingly, claims 3 and 7 have been canceled and their limitations added to both of claims 1 and 5." (p. 6, lines 19-22), the examiner respectfully requests the Applicant to

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review Koyanagi et al, wherein "At step SB5, the scanner controller 25 demodulates the character by using the first demodulation table 100 (refer to FIG. 13) and the second demodulation table 200 (refer to FIG. 14), in a similar manner to that at step SA5 (refer to FIG. 12), and proceeds to step SB6. At step SB6, the scanner controller 25 makes the demodulated data stored in the storage 26, and proceeds to step SB7." (col. 12, lines 35-42). Accordingly, the claimed limitation, given the broadest reasonable interpretation, Koyanagi et al meets the claimed invention (see the rejection above).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patents to Watanabe et al. (US 5854479 A); Watanabe et al. (US 5979765 A); Koyanagi et al. (US 20020074407 A1); Watanabe et al. (US 6321987 B1); Watanabe et al. (US 6095419 A); Watanabe et al. (US 5780832 A); Watanabe et al. (US 6006992 A); Watanabe et al. (US 6032862 A); Ishii et al. (US 6565004 B2) are cited as of interest and illustrate to a similar structure of a barcode reader and method of reading barcode.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after


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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 571-272-2397. The examiner can normally be reached on Mon, Wed. and Fri. 5:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL G LEE can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Uyen-Chau N. Le
November 5, 2004


MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800